

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Del Shea Perry, Trustee for the Heirs and  
Next of Kin of Hardel Harrison Sherrell and  
Personal Representative for the Estate of  
Hardel Harrison Sherrell,

Case No. 19-cv-2580 (ECT/LIB)

**SECOND  
PROTECTIVE ORDER**

Plaintiff,

vs.

Beltrami County; et al.,

Defendants.

Upon consideration of the parties' second Stipulation for Protective Order [Docket No. 53], as slightly modified by the Court pursuant to its inherent authority to manage the cases that are pending before the Court,

**IT IS HEREBY ORDERED THAT:**

1. In all pleadings and the Court's orders and reports related to this matter, patient, complainant, and individual identities shall be protected by redacting the documents or referring to such individuals by number or initials only. "Pleadings" include but are not limited to motions and responses to motions.

2. Subject to the restrictions set forth below, BMP and MBN shall produce the documents and information requested by Plaintiff that Plaintiff cannot obtain from other sources notwithstanding the fact that such documents and information contain data classified as not public pursuant to Minnesota Statutes section 13.41, so long as Plaintiff is the subject of the data or a party to the above-entitled proceeding is the subject of the data:

- a. Except as may be required by law or district court order, all not public documents and information relating to this matter shall be used solely in connection with the above-entitled proceeding and shall not be disclosed by either party outside this proceeding. When such data are disclosed in the course of this proceeding, the parties shall refer to individuals by number or initials.
- b. Not public data shall not be disclosed by either party during the course of trial preparation except to the following persons:
  - 1) The parties, the parties' counsel, and such employees of the parties' counsel who assist in the above-captioned proceeding, all of whom are bound by the terms of this Protective Order;
  - 2) Independent experts or consultants, working with the parties or their counsel, who agree to be bound by the terms of this Protective Order;
  - 3) Other persons, including witnesses and deponents, as necessary to adequately conduct this litigation, provided that such persons agree in writing or on the record to be bound by the terms of this Protective Order and not disclose any not public data outside this proceeding.
- c. Plaintiff's counsel shall maintain in his possession any and all copies of the documents and information produced pursuant to this Protective Order and shall return all such copies to BMP and MBN's counsel or, if the parties agree, destroy such copies at the close of this proceeding.
- d. Paragraph 2 of the Protective Order covers pretrial preparation and submissions to the Court but does not cover evidence to be offered at the

hearing which will be subject to the rulings of the Court pursuant to applicable rules of evidence.

3. This Order only governs data in which Plaintiff is a subject of the data or a party to the above-entitled proceeding is a subject of the data. This Order does not require BMP or MBN to produce not public data regarding other subjects or protected materials (i.e., complainant data, investigations in which Plaintiff or a party to the above-entitled proceeding are not the subject, or other information to which Plaintiff is not entitled to pursuant to the Minnesota Government Data Practices Act, work product, materials prepared in anticipation of litigation, or materials subject to the attorney-client privilege, the agency deliberative process privilege, the mental-process privilege or any other applicable privilege).

4. If BMP or MBN objects to producing information or documents on such grounds, Plaintiff may seek production of the information or documents through a motion before the Court pursuant to Federal Rule of Civil Procedure 45 and other applicable law.

DATED: March 24, 2021

s/Leo I. Brisbois  
Hon. Leo I. Brisbois  
U.S. MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
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Del Shea Perry, Trustee for the Heirs and  
Next of Kin of Hardel Harrison Sherrell and  
Personal Representative for the Estate of  
Hardel Harrison Sherrell,

Case No. 19-cv-2580 (ECT/LIB)

Plaintiff,

**EXHIBIT A**

vs.

**NONDISCLOSURE AGREEMENT**

Beltrami County; et al.,

Defendants.

I, the undersigned, acknowledge that I have read the attached Protective Order dated \_\_\_\_\_, 2021, issued in the above-entitled matter and understand and agree to be bound by all of its terms.

Without limiting the generality of the foregoing, I agree not to disclose to any person or entity not authorized to receive materials designated “**NOT PUBLIC**” under the terms of the Protective Order, or any copies or extracts of information derived therefrom, which have been disclosed to me. I further agree to use any materials disclosed to me solely for the purpose of this proceeding and for no other purpose.

I submit myself to the jurisdiction of the United States District Court for the District of Minnesota for the purpose of enforcing this Protective Order.

Dated: \_\_\_\_\_, 202\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name of Employer

\_\_\_\_\_  
Name of Associated Party